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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,382	06/01/2001	Scott Lawrence Karpel	40405.830015.000	2884
26582	7590	07/27/2004		EXAMINER
HOLLAND & HART, LLP 555 17TH STREET, SUITE 3200 DENVER, CO 80201			JAMAL, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2643	8
DATE MAILED: 07/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/872,382	KARPIEL ET AL.
	Examiner	Art Unit
	Alexander Jamal	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 June 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Amendment

1. Based upon amendment received 6-15-2004, examiner withdraws the objection to **claim 12.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12** rejected under 35 U.S.C. 103(a) as being unpatentable over Boudreux, Jr. et al. (6584197) in view of Carse et al (4730311), and further in view of Saunderson et al. (6078112).

As per **claim 1**, Boudreux discloses a telecommunications system comprising a customer service terminal having a digital signal input (Col 1 lines 43 to 50), a low voltage DC power input (+42V and V in Fig. 4B), and a plurality of analog and digital signal outputs (terminal equipment subsystems 32 in Fig. 1) (Col 4 lines 35-41). The system further comprises a dsl (HDSL for example) line connected to the digital input (Col 1 lines 43 to 50). A plurality of analog devices are inherently connected to the terminal equipment subsystems 32 in Fig. 1 (Col 4 lines 35-41) (that may be POTS interfaces) for the purpose of communicating on the network with Boudreux's communication system. The system further comprises a low voltage DC power supply (local utility interface 10 in Fig. 1) having a high voltage ac input connected to a high

voltage AC power line, and having a low voltage DC output connected to said low voltage DC power input (Col 4 lines 27-46). However, Boudreux does not disclose a low voltage rechargeable battery pack used in case of a failure of the AC power that forms a manually removable portion of the low voltage DC supply. The battery pack includes an indicator to indicate failure of the AC power line, a second indicator to indicate the charge state of the battery pack. The battery pack is also Hot Swappable (able to be replaced without interrupting service to the user), as long as the AC power is functioning

Carse discloses a telecommunications system (Abstract) that receives AC power comprising a battery pack backup 88 (Fig. 2), a first indicator (alarm 92) to indicate the failure of the AC power line, and a second indicator 93 to indicate the state of charge of the battery pack (Col 7 lines 22-48). It would have been obvious to one of ordinary skill in the art at the time of this application to include a backup battery pack in Boudreux's system for the purpose of being able to provide the subscriber with power in the event of a loss of power from the AC power line and loss of (or insufficient amount of) power from the central office.

Saunders discloses a rechargeable, hot-swappable battery pack that may be used in computer systems (such as the subscriber multiplexing systems disclosed by Boudreux and Carse) (Abstract) (Col 3 lines 27-45). He discloses that the system may include hot swappable devices such as batteries that may be used with (and recharged by) an existing AC power supply (Col 4 lines 54-67). It would have been obvious to one of ordinary skill in the art at the time of this application to utilize hot-swappable,

rechargeable batteries in the system taught by Boudreux in view of Carse for the purpose of providing an even greater level of service to the subscriber with the batteries being rechargeable (longer lasting), and replaceable in the case that the battery pack fails or becomes discharged.

Regarding the term ‘in the absence of an on/off switch’, the applicant is referring to the customer service terminal being supplied by the power source not having an on/off switch (specification: page 4). Neither Saunders, Carse nor Boudreux specify that the customer service terminal in their inventions requires an on/off switch. Furthermore, the fact that Boudreux in view of Carse in view of Saunders discloses a hot-swappable system teaches away from the use of an on/off switch because a ‘hot-swappable’ system allows the removal and insertion of component devices to the system **without** the need of powering down the system, hence no on/off switch would be necessary.

As per **claim 7**, claim rejected for the same reasons as the rejection of claim 1. Furthermore, in Boudreux’s system there is at least one digital device is inherently connected to the terminal equipment subsystems 32 in Fig. 1 (Col 4 lines 35-41) (that may be computer data interfaces) for the purpose of communicating on the network with Boudreux’s communication system. Boudreux’s system further comprises an AC input connected to an AC power line (Fig. 1), an AC-DC rectification network (wall transformer) with a high voltage AC input and a high voltage DC output (Fig. 5, Col 10 lines 20-44), and a pulse width modulating DC-DC converter 410 (Fig. 5) coupled to the AC-DC network and with a low voltage DC output to the customer terminal devices (Col

10 lines 20-32). A control loop connected to the output of the PWM DC-DC converter that is responsive to the energy demands of the customer terminals and is connected in controlling relation to the PWM converter (shown in circuit 410 of Fig. 5) (Col 10 line 58 to Col 11 line) (Col 5 line 58 to Col 6 line 5).

As per **claim 12**, claim rejected for the same reasons as the rejection of claim 1. The system disclosed in the claim 1 rejection would provide the method specified in applicant's claim 12. Additionally, it would have been obvious to one of ordinary skill in the art at the time of this application to implement a standard audio or visual indicator as the indicator in Carse's rechargeable battery in order to facilitate alerting the user as to the state of the battery charge.

As per **claim 2**, Although Boudreux, Carse, and Saunders do not specify an amount of time the battery pack would keep the system powered in the event of a failure, It would have been obvious to one of ordinary skill in the art at the time of this application to provide a battery that could maintain the system power for a reasonable amount of time for the loss of AC power to be detected and repaired (as long as 8 hours).

As per **claims 3,11**, in Boudreux's system, the dsl line is an xDSL (HDSL) line (Col 1 lines 43 to 50).

As per **claims 4,10**, although Boudreux, Carse, and Saunders do not specify an amount of time the battery pack would keep the system powered in the event of a failure,

It would have been obvious to one of ordinary skill in the art at the time of this application to provide a battery that could maintain the system power for a reasonable amount of time for the loss of AC power to be detected and repaired (as long as 8 hours).

As per **claim 5**, Boudreax does not disclose using his system with an SDSL line. However, it would have been obvious to one of ordinary skill in the art at the time of this application that the system could be setup implemented with any of the xDSL line standards (such as SDSL) for the purpose of being compatible with the ever changing set of signaling standards.

As per **claim 6**, in Boudreax's system the terminal will remain operative as long as a low voltage DC is applied to the DC power input. Boudreax's system in view of the teachings of Carse and Saunder's comprise hot-swappable battery packs used with AC power line input to supply the units with power, as such, when the AC indicator indicates failure of the AC power source, then the terminal will be in a period of inoperativeness (Boudreax Col 5 line 58 to Col 6 line 58) (Boudreax Col 10 lines 44-57) for the amount of time it takes to replace the battery pack.

As per **claim 8**, Carse discloses the low voltage DC power supply comprising a first indicator (alarm 92) to indicate the failure of the AC power line, and a second indicator 93 to indicate the state of charge of the battery pack (Col 7 lines 22-48).

As per **claim 9**, Boudreax's system does not comprise an on/off switch and as such, the low voltage DC signal applied to the DC power input will maintain the customer service terminal. Saunder's battery pack is rechargeable and as such will maintain operation of the Boudreax's customer service terminal (in the even the AC

power fails) for a long time period. Boudreux's system in view of the teachings of Carse and Saundar's comprises hot-swappable battery packs used with AC power line inputs to supply the units with power, as such, when the AC indicator indicates failure of the AC power source, then the terminal will be in a period of inoperativeness (Boudreux Col 5 line 58 to Col 6 line 58) (Boudreux Col 10 lines 44-57) for the amount of time it takes to replace the battery pack.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. Although applicant's arguments are moot, the examiner would like to clarify the motivation used to combine Boudreux, Saunders and Carse (as per applicant's arguments pages 10 and 11). All three inventors disclose computer systems (telecommunications systems) that are powered via either AC or DC power. Carse teaches the use of a backup battery pack (in the same type of telecommunication system as Boudreux), and Saunders teaches the use of hot-swappable and rechargeable batteries. There is clear motivation to combine the teachings of Carse and Saunders with Boudreux because they each provide a way to enhance the service to the user of the device being supplied the power. Rechargeable, hot-swappable battery-packs serve to further minimize downtime in the event that the primary source of power stops working.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
July 23, 2004


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